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### **RESOLUTION NO. 1093**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, OF INTENT TO VACATE A PORTION OF THE UNOPENED RIGHT-OF-WAY OF DALEY STREET.

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WHEREAS, on November 16, 2004, the Edmonds City Council adopted Resolution No. 1074 establishing a public hearing on a proposed street vacation, File No. ST-04-49, and

WHEREAS, the public hearing was held on January 4, 2005, and

WHEREAS, the City Council finds, based upon the evidence adduced at such hearing that:

1. The right-of-way is surplus to the needs of the public in that it is not required for future public purposes, in all likelihood will never be developed as a street, and contains no utilities of any kind or nature.
2. The property is large enough for a single-family lot in the zone in which it is located.
3. An appraisal presented by the applicant estimates the property to have a fair market value of \$125,000.

WHEREAS, said right-of-way easement was originally acquired by the City pursuant to dedication and not at public expense; and

WHEREAS, pursuant to ECDC 20.70.140(A)(3)(a) compensation equal to one-half of the fair market value of the unopened right-of-way would be paid to the City prior to vacation by ordinance, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON,  
HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council hereby resolves and states its intent to vacate a portion of the unopened and undeveloped right-of-way of 8th Avenue North directly adjacent to and immediately west of property addressed as 808 Daley Street, Edmonds, Washington, described in File No. ST-04-49 and shown on the attached Exhibit A, incorporated by this reference as fully as if herein set forth, upon fulfillment of the following condition: Within ninety (90) days of the passage of this resolution, the applicants, Roy and Sylvia Johnson, and John and Lois Ryan, acting individually, jointly or through their agent, deposit the sum of \$62,500 with the City Clerk of the City of Edmonds.

Section 2. If such condition as set forth in paragraph 1 above is fulfilled, the City Council declares its intent to pass an ordinance vacating the property. Said ordinance is attached hereto as Exhibit B and incorporated by this reference as fully as if herein set forth.

RESOLVED this 17<sup>th</sup> day of May, 2005.

APPROVED:

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MAYOR, GARY HAAKENSEN

ATTEST/AUTHENTICATED:

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CITY CLERK, SANDRA S. CHASE

FILED WITH THE CITY CLERK: 05/13/2005  
PASSED BY THE CITY COUNCIL: 05/17/2005  
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